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2d Session

SENATE

REPORT
99-421

THE PLACEMENT OF COMMEMORATIVE WORKS ON FEDERAL LANDS IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS

AUGUST 15 (legislative day, AUGUST 11), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 4378]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 4378) to provide standards for placement of commemorative works on lands administered by the National Park Service in the District of Columbia, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and an amendment to the title and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert the following:

PURPOSES

SECTION 1. The purposes of this Act are as follows:

(a) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(b) to ensure the continued public use and enjoyment of open space in the District of Columbia;

(c) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(d) to ensure that future commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs (1) are appropriately designed, constructed, and located and (2) reflect a consensus of the lasting national significance of the subjects involved.

DEFINITIONS

SEC. 2. As used in this Act—

(a) the term "Secretary" means the Secretary of the Interior;

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(b) the term "Administrator" means the Administrator of the General Services Administration;

(c) the term "commemorative work" means any statue, monument, sculpture, memorial, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event or other significant element of history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

(d) the term "person" means an individual, group or organization authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

(e) notwithstanding any other provision of law, the term "the District of Columbia and its environs" means those lands and properties administered by the National Park Service and the General Services Administration located in Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986.

CONGRESSIONAL AUTHORIZATION OF COMMEMORATIVE WORKS IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS

SEC. 3. (a) No commemorative work may be established in the District of Columbia and its environs unless specifically authorized by act of Congress. All such authorized commemorative works shall be subject to applicable provisions of this Act.

(b) In considering legislation authorizing commemorative works within the District of Columbia and its environs, the appropriate Congressional authorizing Committees shall solicit the views of the National Capital Memorial Commission.

NATIONAL CAPITAL MEMORIAL COMMISSION

SEC. 4. (a) The National Capital Memorial Advisory Committee as established by the Secretary is redesignated as the National Capital Memorial Commission. The membership of the Commission shall be expanded to include:

Director, National Park Service (Chairman)
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Chairman, National Capital Planning Commission
Mayor, District of Columbia
Commissioner, Public Building Service, General Services Administration
Secretary, Department of Defense

(b) The National Capital Memorial Commission shall advise the Secretary and the Administrator on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission shall meet at least twice annually.

AVAILABILITY OF MAP DEPICTING AREA I AND AREA II

SEC. 5. The Secretary and the Administrator shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II

SEC. 6. (a) AREA I.—In addition to conditions set forth in subsection (b) of this section, no commemorative work may be located in Area I unless the Secretary or Administrator (as appropriate), after consultation with the National Capital Memorial Commission, finds that the subject of the commemorative work is of preeminent historical and lasting significance to the nation. The Secretary or Administrator (as appropriate) shall notify the Congress of his determination that a commemorative work should be located within Area I. Unless the Congress enacts a joint resolution approving such determination within 90 days of such notification, the determination shall be deemed disapproved.

(b) AREA II.—Commemorative works of subjects of lasting historical significance may be located in Area II, subject to the following conditions:

(1) A military commemorative work may be established in Area II only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No commemorative work commemorating a lesser conflict or a unit of an Armed Force shall be permitted in Area II.

(2) A commemorative work commemorating an individual or group of individuals, other than a military commemorative work as described in subsection (b)(1) of this section, shall not be permitted in Area II until at least 25 years after the death of the individual or the last surviving member of the group.

(3) A commemorative work other than a work referred to in paragraph (1) or (2) may be constructed in Area II only to commemorate a subject of lasting historical significance.

SITE AND DESIGN APPROVAL

SEC. 7. (a) Any person authorized by law to establish a commemorative work in the District of Columbia and its environs shall comply with each of the following requirements before commencing construction of the commemorative work:

(1) Such person shall consult with the National Capital Memorial Commission regarding the commemorative work. Such consultation shall include consideration of potential sites in the District of Columbia and its environs.

(2) Following consultation in accordance with paragraph (1) of this section, such person shall submit site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission and the Secretary or Administrator (as appropriate) for their approval.

(b) In considering site and design proposals, the Commission of Fine Arts, the National Capital Planning Commission and the Secretary and Administrator shall be guided by the following criteria:

(1) to the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the commemorative work;

(2) a commemorative work shall be so located as to prevent interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent practicable, open space and existing public use; and

(3) a commemorative work shall be constructed of durable material suitable to the outdoor environment. Natural elements shall be compatible with the climate.

CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT

SEC. 8. (a) Prior to issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall determine that:

(1) the site and design have been approved by the Secretary or Administrator (as appropriate), the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable persons qualified in the field of preservation and maintenance have been consulted to determined structural soundness and durability of the commemorative work, and to assure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contracts for construction and drawings of the commemorative work to the Secretary or Administrator (as appropriate); and

(4) the person authorized to construct the commemorative work has available sufficient funds to complete construction of the project.

(b) In addition to the foregoing criteria, no construction permit shall be issued unless the person authorized to construct the commemorative work has paid an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work: *Provided*, That the provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal government and less than 50 percent of the funding for such work is provided by private sources.

(1) Notwithstanding any other provision of law, all moneys provided by persons for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) Congress authorizes and directs that the Secretary of the Treasury shall make all or a portion of such monies available to the Secretary or the Administrator at his request for maintenance of commemorative works. Under no circumstances may the Secretary or Administrator request funds from the separate account exceeding the total moneys deposited by persons establishing commemorative works in areas he administers. The Secretary and the Administrator shall maintain an inventory of funds available for such purposes: *Provided*, That such monies shall not be subject to deferral or rescission under the Budget Impoundment and Control Act of 1974,

and such monies shall not be subject to annual appropriations. Further, the funds shall not be subject to sequestration under the requirements of Public Law 99-177.

TEMPORARY SITE STUDY

SEC. 9. (a) Within one year after the date of enactment, the Secretary and the Administrator shall, in consultation with the National Capital Memorial Commission, prepare and transmit to the Congress a study assessing the need for establishing an area within the District of Columbia and its environs where commemorative works may be sited on a temporary basis.

(b) Such a study shall include but not be limited to recommendations regarding the need for such an area; the location; the criteria for placement of commemorative works; management and administration of the area; and other factors as the Secretary and the Administrator deem appropriate.

MISCELLANEOUS PROVISIONS

SEC. 10. (a) Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to and permanently maintained by the Secretary or the Administrator (as appropriate).

(b) Any legislative authority for a commemorative work shall expire at the end of the 5-year period beginning on the date of the enactment of such authority, unless the Secretary or Administrator (as appropriate) has issued a construction permit for the commemorative work during that period.

(c) Upon completion of any commemorative work within the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall assume responsibility for the maintenance of such work.

(d) The Secretary and the Administrator shall promulgate appropriate regulations to carry out this Act. The regulations shall be published in the Federal Register within 120 days after the enactment of this Act.

(e) This Act shall not apply to commemorative works authorized by a law enacted before the commencement of the 99th Congress.

2. Amend the title so as to read:

An act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes.

PURPOSE OF THE MEASURE

The purpose of H.R. 4378, as reported by the Committee on Energy and Natural Resources, is to provide for a statutory process by which subjects of lasting historical significance may be commemorated on Federal lands in the District of Columbia and its environs, while also ensuring the continued public use and enjoyment of open space.

BACKGROUND AND NEED

The design of Washington, D.C. has created outstanding areas which have been or may yet be used to honor those who have made lasting contributions to the history of our Nation. During the last century, 111 memorials, monuments and plaques have been erected on Federal land in the District of Columbia and its environs. These commemorative works honor U.S. Presidents, military units, those who served in the Vietnam War, heroes of the Revolutionary, Civil and World Wars, U.S. citizens, individuals from foreign countries and various significant events. However, there now remain but a limited number of sites for additional memorials and yet an infinite number of proposals to establish them. The Congress now has before it 19 proposals to establish memorials and monuments on Federal land in the District of Columbia—an unprecedented

number. On March 18, 1986, the Subcommittee on Public Lands, Reserved Water and Resource Conservation held an oversight hearing to address the issues associated with locating memorials and monuments in the Nation's Capital. The testimony presented at the hearing indicated a clear need for legislative standards to ensure that future commemorative works in the Nation's Capital will be appropriately designed, constructed, located and that their subjects are of lasting significance to the Nation.

LEGISLATIVE HISTORY

H.R. 4378 was introduced by Representative Udall on March 11, 1986. The measure was passed by the House of Representatives on May 5, 1986. On June 5, 1986, Senator Wallop, Senator McClure, Senator Hatfield, Senator Johnston, Senator Bumpers and Senator Armstrong introduced a similar bill, S. 2522. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on both of these measures on June 24, 1986. At a business meeting on August 5, 1986, the Committee on Energy and Natural Resources amended the text of S. 2522 with an amendment in the nature of a substitute. The Committee then agreed to strike the title and text of H.R. 4378 and substitute the text and title of S. 2522 as amended.

At a business meeting on August 14, 1986, the Senate Committee on Energy and Natural Resources ordered H.R. 4378, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on August 14, 1986, by unanimous vote of a quorum present recommends that the Senate pass H.R. 4378, if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici	
Mr. Wallop*	
Mr. Warner	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher*	
Mr. Bradley	
Mr. Bingaman	
Mr. Rockefeller	

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

The amendment in the nature of a substitute adopted by the Committee on Energy and Natural Resources to the text of S. 2522 and ordered reported as H.R. 4378, requires that the Congress authorize any commemorative works to be established on lands administered by the Secretary of the Interior or the Administrator of the General Services Administration in the District of Columbia. The restrictions contained in the measure also apply to Park Service land along the George Washington Parkway, Memorial Drive and around the Iwo Jima Memorial in Virginia.

The amendment refers to a map which identifies "Area I" as the central monumental core, including the Mall, the Ellipse, the Washington Monument Grounds, West Potomac Park, Theodore Roosevelt Island and Lady Bird Johnson Park. All other lands within the scope of the legislation are considered "Area II".

The amendment redesignates the National Capital Memorial Advisory Committee as the National Capital Memorial Commission. The Secretary of Defense is added as a permanent member of the Commission. The National Capital Memorial Commission is authorized to advise the Secretary of the Interior and the Administrator of the General Services Administration on procedures and proposals to establish commemorative works in the District of Columbia and its environs, as well as on any other matters concerning commemorative works in the Nation's Capital as the panel deems appropriate. This may include recommendations on the appropriateness of existing memorials.

The amendment permits the erection of commemorative works in Area II if their subjects are of lasting historical significance and meet certain criteria. Military memorials are limited to wars and branches of the Armed Forces. Individuals or a group of individuals may not be commemorated until 25 years after the death of the individual or last surviving member of the group. This restriction does not apply to military memorials as described in the legislation.

The substitute prohibits the erection of works in Area I unless the Secretary or the Administrator (after consultation with the Memorial Commission) determines that the subject is of preeminent historical and lasting significance to the Nation. The Secretary or the Administrator must notify the Congress of such determination. The Congress has 90 days to enact a joint resolution approving the determination or the recommendation is deemed disapproved.

The amendment requires anyone authorized to establish a commemorative work to consult with the Memorial Commission and submit site and design proposals to the Secretary or the Administrator, the Commission of Fine Arts and the National Capital Planning Commission for approval. Language is included to provide guidance to those evaluating site and design proposals.

The substitute establishes a maintenance fund as a separate account in the Treasury. Sponsors of commemorative works are required to deposit 10 percent over the cost of construction for future maintenance by the Secretary or Administrator. When an agency or department of the Federal government is authorized to construct a commemorative work, and less than 50 percent of the

funding is to be provided by private sources, the requirement for funds for future maintenance is waived.

The amendment requires that the full funding to complete a commemorative work must be available before construction may begin, and that documentation of design and construction be submitted and permanently maintained. The language also provides that an authorization for a commemorative work expires unless a construction permit has been issued within 5 years of enactment of such authority.

The substitute directs the Secretary of the Interior and the Administrator of the General Services Administration to prepare a study to assess the need for establishing a site where commemorative works may be sited on a temporary basis.

Finally, commemorative works authorized prior to the 99th Congress are exempted from the provisions of the legislation. The Committee also substituted the title of S. 2522 for the title of H.R. 4378 which better reflects the scope of the legislation as reported.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of the measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 15, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4378, a bill to provide standards for placement of commemorative works on lands administered by the National Park Service in the District of Columbia, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, August 14, 1986. We believe that enactment of this bill would result in no significant cost to the federal government, and in no cost to state or local governments.

H.R. 4378 would mandate new procedures for the placement of new commemorative memorials on federal lands within the District of Columbia, including a requirement for Congressional approval prior to placement. Private parties would be required to show that they have sufficient funds for construction of proposed memorial, and successful applicants would have to pay the federal government 10 percent of the estimated construction costs in order to defray future maintenance expenses. These funds would be credited to a separate account within the Treasury and would be available to the Secretary of the Interior (without further appropriation and not subject to sequester under the Balanced Budget Act) for maintenance of the memorial.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 4378. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 4378, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of the Interior and the General Services Administration setting forth executive agency recommendations relating to S. 2522, a similar measure, are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, August 15, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 2522, a bill "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," and H.R. 4378, and act "To govern the establishment of commemorative works within the National Capital Region of the National Park System, and for other purposes."

We support the provisions of S. 2522 and strongly recommend its enactment, with amendments.

S. 2522 directs congressional authorizing committees, in considering legislation to authorize such works, to solicit the views of the National Capital Memorial Commission. The bill would establish the Commission, and it would consist of the Secretary's National Capital Memorial Advisory Committee, as currently constructed. The duties of the Commission would be to advise the Secretary of the Interior and the Administrator of General Services on polcy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia.

The bill would prohibit the establishment of commemorative works in designated areas referred to on a map, unless specifically authorized by Act of Congress. The map, to be on file in the National Park Service and the General Services Administration, would define the areas covered by the provisions of the bill. These areas include the lands under the jurisdiction of the National Park Service and the General Services Administration within the District of Columbia, and the lands outside the District of Columbia administered by the National Park Service consisting of Memorial

Drive and those portions of the George Washington Memorial Parkway in Arlington County and the city of Alexandria, Virginia.

The bill would establish two areas and would apply particular guidelines and conditions for commemorative works within each area. General conditions would be applied to both Area I and Area II. In addition, however, within Area I, which generally is the memorial core of the Nation's Capital, the subject of the commemorative work must be found by the Secretary or the Administrator to be "of preeminent historical and lasting significance to the Nation." Further, a determination by the Secretary or Administrator that a commemorative work should be located within Area I must be approved by a Joint Resolution of Congress within 90 days to be effective. We note that the effect of this provision of S. 2522 is to require statutory determination of significance by the Congress for commemorative works in Area I. We believe this is appropriate.

The bill further sets forth conditions applicable to subject matter, site and design approval, and criteria for construction, as follows:

With respect to subject matter, the bill would limit military commemoratives only to those commemorating a war or similar major military conflict or a branch of the armed forces; an individual or group of individuals could not be commemorated until at least 25 years after the death of the individual or the survivor of a group; and all other commemorative works would have to commemorate a subject of lasting historical significance.

Concerning site and design approval, the bill would require consultation with the National Capital Memorial Commission; it would require approval of the site and design by the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary or the Administrator; and, in considering whether or not to approve the site and design, the bill would require the Commissions and the Secretary or the Administrator to be guided by criteria that include relevant surroundings, prevention of encroachment on existing commemorative works and protection of open space compatible with existing public use, and construction with durable materials suitable to the outdoor environment.

Concerning criteria for the issuance of a construction permit, the bill would require that the Secretary or the Administrator certify that necessary approvals have been obtained, knowledgeable persons have been consulted, contracts and drawings have been submitted, and sufficient funds to complete construction are available.

The bill further provides that an amount equal to 10 percent of the estimated cost of construction shall be paid and credited to a separate account in the Treasury to be available, without appropriation, for maintenance of commemorative works. These funds would not subject to deferral or rescission, nor to sequestration under the provisions of Public Law 99–177.

These are additional provisions to require documentation of the design and construction, provide for expiration of the authority if a construction permit is not issued within five years, and direct the Secretary or the Administrator to assume responsibility for maintenance of commemorative works. Furthermore, the bill states that

its provisions shall not apply to commemorative works authorized before the 99th Congress.

We support the provisions of S. 2522. At a Senate oversight hearing on this issue on March 18, the National Park Service testified to our belief that the criteria that have been adopted by the Secretary of the Interior's National Capital Memorial Advisory Committee to guide our recommendations on memorials are generally good and ought to be adopted by the Congress. Further, we stated that legislation along the lines of this bill, setting forth congressional standards for the placement of commemorative works on the public lands under the jurisdiction of the Department of the Interior and General Services Administration in the District of Columbia and its environs, would be very useful. As land managers responsible for the park lands in the District and adjacent areas, we particularly appreciate the efforts to place appropriate guidelines for these important commemorative works. We believe the result of this legislation will be to assure continued protection of the open space character of the Nation's Capital and at the same time allow for the placement of commemorative works honoring the highest ideals of this Nation in the most artistic and sensitive manner possible. Therefore, we believe this legislation is indeed appropriate, and we recommend its enactment with the following suggested amendments.

Section 2(d) of S. 2522 defines Area I and Area II as those lands administered by the National Park Service and General Services Administration within the District of Columbia and its environs. We understand that the intent of the word "environs" is to include those portions of the George Washington Memorial Parkway in Arlington County and Alexandria, Virginia. In that context, we recommend that General Services Administration properties be eliminated from the environs provision (in Area II), thus restricting the effect of the bill to General Services Administration properties within the District of Columbia.

Section 4 would redesignate the National Capital Memorial Advisory Committee, as currently established by the Secretary, as the National Capital Memorial Commission. We recommend that the Secretary of Defense be added to the current membership.

H.R. 4378, similar legislation passed by the House of Representatives on May 5, 1986, would provide, in section 6, authority to permit temporary location of a commemorative work in Area II for not more than one year. No such provision is included in the Senate bill. We strongly favor the authorization in H.R. 4378. We believe that it provides a non-structural alternative means of recognizing persons and subjects important to the Nation but which may be more appropriately located permanently at an area outside of the District of Columbia closely associated with the person or event. We note that the authority would be discretionary with the Secretary in the House bill, the period that such commemorative work may remain would be limited to one year, and sufficient funds for installation and removal of the work must be available. We assure that the guidelines provided for permanent memorials elsewhere in the bill would apply to these temporary works as well.

Finally, with respect to the provision in section 8(b), regarding the separate maintenance account, the Administration strongly op-

poses any exemptions from the Gramm-Rudman-Hollings requirements or exemptions from deferral or rescission. While we prefer to have these monies deposited into miscellaneous receipts at Treasury and then subject to the normal appropriations process, we could accept language depositing such receipts into a special account in the Treasury available only for maintenance of commemorative works without appropriations. We note further that there appears to be nothing special about the 10 percent figure cited in the bill as a maintenance funding requirement. Some memorials may never cost that much to maintain while many others will undoubtedly cost more eventually. We recommend the language of 8(b) be amended to address these concerns.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Acting Assistant Secretary.

GENERAL SERVICES ADMINISTRATION,
Washington, DC, August 13, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your Committee requested the views of the General Services Administration (GSA) on S. 2522, a bill "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes." Legislation similar in purpose, H.R. 4378, passed the House of Representatives in May, 1986.

GSA wishes to state at the outset that we strongly support the objectives of this legislation, namely to establish formally a methodology to control the placement of commemorative works within the environs of our Nation's Capital. As we indicated before the House Subcommittee on National Parks this past April, without the benefit of any established legislation in this subject area, the Secretary of the Interior's National Capital Memorial Advisory Committee essentially has served informally as a means of protecting and maintaining the unique magnificence of this Nation's Capital.

The major distinction between H.R. 4378 and S. 2522 is the scope of coverage. While H.R. 4378 is limited to commemorative works on National Park Service land, S. 2522 also includes lands administered by GSA. Recognizing the obvious need for restrictions, we support the intent of the Senate to include lands administered by GSA. However, we recommend that the legislation be amended to provide that only Area I lands cover both GSA and National Park Service land and that no GSA lands in Area II be included.

In addition, we wish to state for the record our support of the provision contained in both H.R. 4378 and S. 2522 that calls for the redesignation of the National Capital Memorial Advisory Committee as the National Capital Memorial Commission. However, we

suggest that the provision be revised to set forth the specific membership of the Commission as well as add representation from the Department of Defense (DOD). Currently, the Advisory Committee does not include representation from DOD, though, in meetings of the Advisory Committee at which memorials concerning military matters have been discussed, the Secretary of Defense has been invited to and participated in such discussions.

Finally, we are concerned with provisions in both H.R. 4378 and S. 2522 dealing with the promulgation of regulations to carry out this legislation within a specified time period after its enactment. Section 9 of H.R. 4378 directs the Secretary of Interior (Secretary) to promulgate such regulations within 90 days. Section 10 of S. 2522 requires the Secretary and the Administrator of General Services to promulgate regulations within 120 days. We question whether it is appropriate to contain a statutory deadline for the promulgation of regulations, since the subject matter regulations would be of interest to all of the Federal agencies represented on the National Capital Memorial Commission. As an alternative, we suggest that, at a minimum, a period of 180 days be afforded.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to your Committee.

With best wishes,

Sincerely,

TERENCE C. GOLDEN, *Administrator.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill H.R. 4378, as reported.

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